

CHAPTER NO. 335

SENATE BILL NO. 406

By Cooper

Substituted for: House Bill No. 1227

By Walley

AN ACT To amend Tennessee Code Annotated, Title 68, Chapter 11, relative to certificates of need for nursing home beds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-122, is amended by deleting the section in its entirety and replacing it with the following:

Section 68-11-122. (a) The provisions of this section shall apply to the consideration by the commission of all certificates of need for new nursing home beds during the period beginning on the effective date of this act and ending June 30, 2000. During such time the provisions of § 68-11-106(b) permitting expansion of existing licensed nursing homes by the lesser of ten (10) beds or ten percent (10%) shall not apply.

(b) Applications filed on or before April 15, 1996, shall be considered by the commission in accordance with law in effect prior to May 15, 1996. The requirements of Tennessee Code Annotated, Section 68-11-121, shall not apply to applications for certificates of need filed after April 15, 1996, for new nursing home beds (including conversion of hospital beds) which will be certified for participation in the Medicare program as skilled nursing facility (SNF) beds. Until July 1, 2000, such applications shall be reviewed for a determination of need in accordance with this section. During the fiscal year between July 1, 1999 and June 30, 2000, no more than one hundred twenty-five (125) Medicare SNF beds shall be authorized for applicants filing for a certificate of need pursuant to this subsection. The number of Medicare SNF beds issued under this subsection shall not exceed thirty (30) for each applicant. The applicant shall specify in the application the skilled services to be provided and how the applicant intends to provide such skilled services. In reviewing applications, the commission shall consider the application without regard as to whether the applicant currently has Medicare SNF beds. Applications for Medicare SNF beds under this subsection shall be reviewed by the department and considered by the commission pursuant to § 68-11-108 rather than § 68-11-121. If the pool of one hundred twenty-five (125) Medicare SNF beds created by this subsection is not depleted prior to the deadline established herein, the beds remaining in such pool shall be considered to be available to applicants who apply before the deadline even though review may occur after the deadline.

(c) During the period this section is in effect, the commission shall issue no certificates of need for new nursing home beds other than the one hundred twenty-five (125) Medicare SNF beds authorized in this section. Any applicant who filed prior to the effective date of this act and

whose application is not considered due to the provisions of this section shall be entitled to a refund of the application fee.

SECTION 2 This act shall take effect July 1, 1999, the public welfare requiring it.

PASSED: May 27, 1999


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 14th day of June 1999


DON SUNDQUIST, GOVERNOR